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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,449	02/24/2004	Tracee Eidenschink	15305.0019US01	8514
23552 MERCHANT &	7590 08/14/200 & GOULD PC	EXAMINER		
P.O. BOX 2903		NGUYEN, VI X		
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
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			08/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/785,449	EIDENSCHINK, TRACEE	
Examiner	Art Unit	
	/ • · · · · ·	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 30_bits 2082 PAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replics: (1) an amendment of difficult or other evidence, which places the application, applicant must timely file one of the following replics: (1) an amendment of difficult or other evidence, which places the application, applicant must timely file one of the following time of the control of the periods:    The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise on (1) the maining date of the final rejection. The period for reply exprise the third is a file of the final rejection. The period for reply exprise the trans SIM MORTHS from the malling date of the final rejection. The period for reply exprise the state of proposes of dothermany the period of exhering an analysis of the final rejection. The period for reply exprises of the file application of the file of the period date of the statement of the file of the period period for reply exprises of the period date of the statement of the file of the		Violot X. Higayon	6764
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a void abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidant, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  3 ☐ The period for reply expires	The MAILING DATE of this communication ap	pears on the cover sheet with the	correspondence address
application, application, application, application, application, application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1.14. The reply must be filed within one of the following time periods:  a) The period for reply expires cm. (1) the mailing date of the final rejection.  b) The period for reply expires cm. (1) the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BX (b) WHEN THE FIRST REPLY BRILD WITHIN TWO MONTHS OF THE FIRST REPLY BRILD WITHIN TWO MONTHS OF THE FIRST APPLA FILED WITHIN TWO	THE REPLY FILED <u>30 July 2008</u> FAILS TO PLACE THIS AP	PLICATION IN CONDITION FOR AL	LOWANCE.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either hox (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706 507(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if smely filed, may reduce any pamed patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  ☐ The Notice of Appeal was filed on, A brief in compliance with 37 CFR 41.37(e), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENOMENTS  3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☐ They raise are size of new matter (see NOTE below);  (d) ☐ They raise are of incompliance with 37 CFR 1.13 (a) and 41.33(a).  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.13 6e) attached Notice of Non-	application, applicant must timely file one of the followin application in condition for allowance; (2) a Notice of Ap for Continued Examination (RCE) in compliance with 37	g replies: (1) an amendment, affidav peal (with appeal fee) in compliance	it, or other evidence, which places the with 37 CFR 41.31; or (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1s checked, chock either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWC MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any areand patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet; (See 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):	a) X The period for reply expiresmonths from the mail	ing date of the final rejection.	
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<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: See Continuation Sheef. (See 37 CFR 1.116 and 41.33(a)).</li> <li>1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li> <li>6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) is (or will be) as follows: Claim(s) allowed:</li> <li>Claim(s) allowed:</li> <li>Claim(s) allowed:</li> <li>Claim(s) allowed:</li> <li>Claim(s) rejected: <u>1.48 and 51-55.</u> Claim(s) withdrawn from consideration:</li> <li>AFFIDAVIT OR OTHER EVIDENCE</li> <li>8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence</li></ul>	Extensions of time may be obtained under 37 CFR 1.136(a). The dath have been filed is the date for purposes of determining the period of conder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office lath may reduce any earned patent term adjustment. See 37 CFR 1.704(	te on which the petition under 37 CFR 1.1 extension and the corresponding amount e shortened statutory period for reply orig er than three months after the mailing da	of the fee. The appropriate extension fee inally set in the final Office action; or (2) as
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13. ☐ Other:  /Kevin T. Truong/	See 3a.		n condition for allowance because:
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		/Kevin T. Truona/	
			Jnit 3734

## **Continuation Sheet (PTO-303)**

Application No.

Continuation of 3a. The proposed amendment to claim 1, "the distal collar being expanded to sealingly engage the distal balloon waist" raises new issue which would require further consideration and/or search. Furthermore, the applicant's reply and arguments 35 USC 102 (e) rejection of independent claim 1 and and 103 rejections of other dependent claims are not persuasive and do not overcome the prior art of record to place the claims in condition for allowance.

VN 571-272-4699